

Remarks

Claims 1-11 and 16 are pending in the application. Claims 1, 6, and 16 are amended above to specify that the claimed seeds and plants are derived from the Holeisyn line as suggested by the Examiner in each of the previous Office Actions, and for which suggestion Applicant hereby expresses his gratitude. Claims 4 and 10 have been amended above to insert the ATCC Accession No. for corn line LS288, which has been deposited in accord with the Budapest Treaty. In addition, the specification has been amended to incorporate the deposit information for the LS288 strain. Upon entry of this amendment, claims 1-11 and 16 will remain pending before the Examiner.

Applicant believes the §112, first paragraph, rejection set forth at page 2 of the Office Action has been obviated by the above amendments incorporating the ATCC deposit information, and reconsideration is respectfully requested.

Next, Applicant requests reconsideration and withdrawal of the §112, first paragraph, rejection of claims 1-3, 6-9, and 16 set forth at pages 2-4 of the Office Action in view of the above amendments to the claims, which have narrowed the scope of the claimed invention to seeds and plants derived from the high oleic line "Holeisyn," indicated by the Examiner as enabled at Section 3, page 4 of the January 30, 2001, Office Action herein.

In view of the deposit accession no. information added by this amendment, Applicant respectfully requests reconsideration and withdrawal of the §112, second paragraph, rejection of claims 4 and 10 set forth at page 4 of the Office Action.

Finally, Applicant respectfully traverses the §112, second paragraph, rejection of claims 1-5 set forth at page 5 of the Office Action. It is simply irrefutable that the ordinary artisan could analyze any assemblage of seeds and determine whether they meet the limitations of the recited claims. Example 1 clearly describes a method of determining the fatty acid content of corn seed. Any assemblage of seeds can be subjected to this method of analysis. The meets and bounds of the rejected claims are thus clear. Reconsideration is respectfully requested.

In view of the foregoing, Applicant believes that all claims as currently pending are in condition for allowance, and such action is respectfully requested.

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The Commissioner is hereby authorized to charge to Deposit Account 19-0065 any fees under 37 CFR 1.16 or 1.17 as required by this paper.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this amendment, or if the Examiner believes that a telephone interview would expedite prosecution of the subject application to completion.

Respectfully submitted,


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Attachments: Marked-Up Version of Specification Paragraph(s)
Marked-Up Version of Claim(s)

Marked-Up Version of Specification Paragraph(s)

Seeds of the lines disclosed herein are deposited with the American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852 USA, in accord with the provisions of the Budapest Treaty. Cultures were assigned the following accession numbers by the repository: LS1498, ATCC No. PTA-1396 (deposited February 22, 2000); LS288, ATCC No. [] PTA-3642 (deposited August 16, 2001); LS0417, ATCC No. PTA-1397 (deposited February 22, 2000).

Marked-Up Version of Claim(s)

1. An assemblage of corn seeds, derived from the high oleic line "Holeisyn," having a mean saturate content of less than about 7.0%, mean oleic acid content of at least 64.9%, and a mean linoleic acid content of 27.4% or less, by weight relative to the total fatty acid content of said seed.

4. The assemblage of corn seeds according to claim 1, said seeds being obtained from a plant or plants belonging to a corn line selected from the group consisting of LS0417 (ATCC Accession No. PTA-1397), LS1498 (ATCC Accession No. PTA-1396), LS288 (ATCC Accession No. PTA-3642), or sublines produced therefrom.

6. A corn plant, derived from the high oleic line "Holeisyn," that produces seeds having a mean saturate content of less than about 7.0%, a mean oleic acid content of at least 64.9%, and a mean linoleic acid content of 27.4% or less, by weight relative to the total fatty acid content of said seeds.

10. The corn plant according to claim 6, wherein said corn plant belongs to a corn line selected from the group consisting of LS1498 (ATCC Accession No. PTA-1396), LS288 (ATCC Accession No. PTA-3642), and LS0417 (ATCC Accession No. PTA-1397), or sublines produced therefrom.

16. A method for producing low saturate corn material, comprising the steps of:

(a) obtaining a plurality of corn seeds, derived from the high oleic line "Holeisyn," having a mean saturate content of less than about 7.0%, a mean oleic acid content of at least 64.9%, and a mean linoleic acid content of 27.4% or less;

(b) growing out said plurality of corn seeds to obtain a population of corn plants;

(c) intermating plants comprising said population to produce first seeds;

(d) subjecting said first seeds to selection based on saturate content, such that a predetermined saturate percentage of said first seeds is retained and plants grown from said predetermined percentage of seeds are intermated to produce second seeds; and

(c) with said second seeds obtained, repeating steps (b), (c), and (d) at least once, whereby plants producing seeds that have a mean saturate content of less than about 7.0% by weight are obtained.